

Secrecy Upheld in UC Tenure Process

By Reynolds Holding
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The University of California won the latest — and perhaps final — round yesterday in a 10-year legal fight to keep some secrecy in its faculty review process.

In a unanimous decision, the state Court of Appeal in San Francisco ruled that the university's policy of not disclosing who said what about teachers up for tenure does not violate state law or teachers' rights to privacy or due process.

The case filed in 1981 by six faculty members was among the first to challenge the approximately 15-year-old policy that some have blamed for limiting the num-

ber of women and minorities on the faculty of the state university system.

The issue of faculty diversity has been particularly sensitive at the Berkeley campus, where sporadic but heated protests over the issue flared last year.

But the court refused yesterday to address the merits of the nondisclosure policy in affirming an Alameda County Superior Court judge's ruling that the process of evaluating teachers was solely the university's business.

Robert S. Gerstein, the lead attorney for the plaintiffs, said he had not seen the court's opinion and did not know whether the decision would be appealed.

However, Gerstein found some hope in the defeat. "Even if we lose this case, the policy will continue to move in the direction we want it to move — toward increased openness."

University lawyer Philip Spiekerman agreed that the faculty review process has evolved toward more disclosure in recent years. But he stressed the importance of not disclosing the identity and actual comments of those charged with judging teachers "in order to procure the most candid evaluations."

Although some universities allow faculty members full access to records of tenure reviews, "the vast majority maintain some confidentiality," Spiekerman said.